

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NO. 13-10-69, EXHIBIT "A" (ADOPTING THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas ("Frisco") to amend Ordinance No. 13-10-69, Exhibit "A", of the 2012 Edition of the International Residential Code, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Ordinance No. 13-10-69, Exhibit "A", of the 2012 Edition of the International Residential Code. Ordinance No. 13-10-69, Exhibit "A", is hereby amended as set forth below:

" . . .

~~Chapter 20 Boilers and Water Heaters of the 2012 International Code is amended as follows:~~

~~Section M2005 Water Heaters of the 2012 International Residential Code is amended as follows:~~

~~**M2005.2 Prohibited locations.** Fuel-fired water heaters shall not be installed in room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that combustion air will not be taken from the living space. Installation of direct vent water heaters within an enclosure is not required. Water heaters other than tankless type, shall be prohibited in attic space or a space located above living space.~~

~~**Exception:** Existing water heater replacement when located in attic space or a space located above living space.~~

~~**P2801.8 Water heaters installed in attics or with living space below.** Water heaters other than tankless, when located in attic space or a space located above living space, shall be equipped with a WAGS, FLOODSTOP™ or other approved device to automatically shut off the water supply if a water leak is detected.~~

Exception: Replacement of water heaters installed prior to adoption of this code.

....”

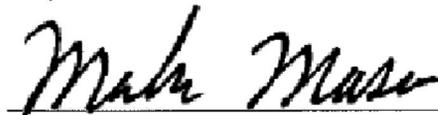
**SECTION 3: Savings/Repealing Clause.** Ordinance No. 13-10-69 shall remain in full force and effect, except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

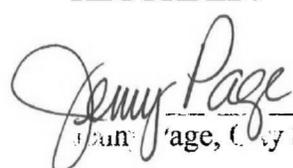
**SECTION 4: Penalty Provision.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 5: Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

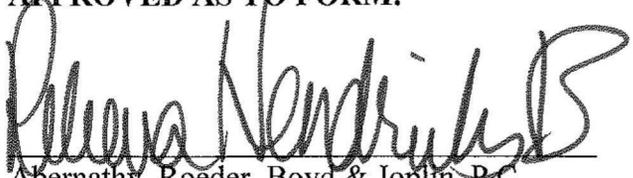
**SECTION 6: Effective Date.** This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this \_\_\_\_ day of October, 2013.**

  
\_\_\_\_\_  
Maher Maso, Mayor

**ATTESTED AND CORRECTLY RECORDED:**  
  
Jenny Page, City Secretary



**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Abernathy, Roeder, Boyd & Joplin, P.C.  
Rebecca Hendricks Brewer, City Attorneys

Date(s) of Publication: Published October 25th and November 1, 2013, Frisco Enterprise